HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTSICE G. BHAVANI PRASAD

W.P. NO.3612 OF 2006

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Between:

S A M A T A,

A Non-Governmental Organisation,

Represented by its Deputy Director,

Deepankar Dutta,

S/o.S.Dutta aged about 46 years,

R/o. 8-2-590/3, Road No.1,

Banjara Hills,

Hyderabad … Petitioner

And

Government of Andhra Pradesh,

Represented by its Principal Secretary to Government,

Home (Courts –A) Department, Secretariat,

Hyderabad and 2 others … Respondents

:: JUDGMENT ::

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Counsel for the petitioner : Sri K.S.Murthy

Counsel for respondent No.1 : Government Pleader for Home

Counsel for respondent No.2 : Government Pleader for Law & Legislative Affairs.

Counsel for respondent No.3 : Government Pleader for Social Welfare

Dated 2/3/2006

Per G.S. Singhvi, CJ

SAMATA, a non-Governmental Organization, has, through it's Deputy Director, Deepankar Dutta, filed this petition under Article 226 of the Constitution of India for quashing G.O.Ms.No.33 Law (LA & J) Home (Courts-B) Department, dated 11.3.2004 and G.O.Ms.No.41 Law (LA &J) Home (Courts-B) Department dated 25.3.2004 and to issue a mandamus to the respondents to undertake an in-depth study and then only initiate steps to implement only the beneficial provisions of the new Criminal Procedure Code, 1973 in the scheduled areas of the State.

We have heard learned counsel for the parties.

In our opinion, the writ petition is liable to be dismissed because similar Writ Petition No.25984 of 2005 questioning the impugned notifications was dismissed by this Court on 27.2.2006. In that case, the Court took cognizance

of the order dated 2.4.2004 passed by the Supreme Court in Writ Petition (Civil) No.324 of 2003 **(Sri A. Sadguru Prasad v. Government of Andhra Pradesh)** and held that in the face of direction given by the Supreme Court to the State Government to enforce the provisions of the new Code, this Court cannot pass an order to stultify the process initiated by the State Government.

For the detailed reasons recorded in order dated 27.2.2006 passed in Writ Petition No.25984 of 2005, which shall be treated as part of this order, the writ petition is dismissed.

G.S. SINGHVI, CJ

2nd March, 2006

G. BHAVANI PRASAD

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